## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

SHARON FRONCHECK,	)	
Plaintiff,	)	
V.	)	Civil No. <b>08-50-DRH</b>
COMMISSIONER OF SOCIAL SECURITY,	)	
Defendant.	)	

## **ORDER**

## PROUD, Magistrate Judge:

Before the Court is a letter dated September 25, 2008, submitted by plaintiff Froncheck and her son, which the Court construes as a second motion for appointment of counsel. (Doc. 22).

There is no constitutional or statutory right to appointment of counsel in a civil case, although the Court may in its discretion appoint counsel to represent indigent civil litigants.

Jackson v. County of McLean, 953 F.2d 1070, 1071 (7th Cir. 1992); see also 28 U.S.C. §

1915(d). The Court must inquire whether, "given the difficulty of the case, [does] the plaintiff appear to be competent to try it himself and, if not, would the presence of counsel [make] a difference in the outcome?" Farmer v. Haas, 990 F.2d 319, 322 (7th Cir. 1993); see also Greeno v. Daley, 414 F.3d 645, 658(7th Cir. 2005); see also Pruitt v. Mote, 503 F.3d 647 (7th Cir. 2007).

Plaintiff has now demonstrated that she has made an attempt to retain an attorney, to no avail. Plaintiff has filed her brief (and accompanying documentation) attacking the decision of the Commissioner of Social Security denying her disability insurance benefits. (**Doc. 18**).

However, plaintiff's alleged disability is of a psychiatric nature, which causes the Court to

question whether plaintiff is competent to represent herself before the Court. It has also now

come to the Court's attention that plaintiff's brief was drafted by her son. Although the Court

does not perceive that an attorney's assistance is likely to make a difference in the outcome of

this action, out of an overabundance of caution counsel will be appointed to represent plaintiff,

and the Court will permit plaintiff to file an amended brief.

IT IS THEREFORE ORDERED that plaintiff's second motion for appointment of

counsel (Doc. 22) is GRANTED. Attorney Michelle L. Rousseau, Greensfelder, Hemker, et

al., 12 Wolf Creek Drive, Suite 100, Swansea, IL 62226, is hereby **APPOINTED** to represent

plaintiff in all proceedings in the District Court.

IT IS FURTHER ORDERED that plaintiff shall have through November 14, 2008, to

file an amended brief, if newly appointed counsel deems amendment appropriate. Defendant

shall have until **December 8, 2008**, to file an amended brief.

IT IS SO ORDERED.

DATED: October 8, 2008

s/ Clifford J. Proud

CLIFFORD J. PROUD

U. S. MAGISTRATE JUDGE

2